

## REMARKS

Claims 1-31 are now presented for examination.

Claims 1, 2, 7, 24 and 27-30 have been amended to define still more clearly what applicant regards as his invention in the terms that define over the art of record.

Claims 1, 24, 29 and 30 are the independent claims.

The specification has been carefully reviewed and amended to ensure it meets the requirements of 35 U.S.C. § 112. The amendment to page 7, line 10, merely corrects a typographical error. The newly added paragraph at page 7, following line 26 finds support in the application as originally filed in Claims 16-21.

Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,861,891 (Becker).

Amended independent Claim 1 is directed to a method of generating a coloured or shaded texture for images, the images to be displayed on a display device or printed, the method including the steps of: (a) providing a plurality of shape elements, each shape element defining a surface; (b) providing each of the shape elements with an opacity which varies over its surface; (c) arranging the shape elements in an overlapping fashion to fill a predetermined region of said images such that the region has a substantially uniform opacity; and (d) rendering the shape elements for output to a printer or display device, such that the overlapping opacities generate a coloured or shaded texture.

Applicant understands Becker as being directed to a method, system and computer program for visually approximating the appearance of data points in a scatter plot. The data approximation of Becker reduces the amount of data to be rendered, thus speeding up the processing time (see col. lines 17-19).

Applicant submits that Becker does not teach or suggest method step (c) of amended Claim 1, namely “*arranging the shape elements in an overlapping fashion to fill a predetermined region of said images such that the region has a substantially uniform opacity*”.

In Becker, a set of data is partitioned into a set of bins. A “splat” is displayed at the location of each bin, the opacity of the splat depending on the number of data points falling into the corresponding bin. As seen, for example, in Figs. 3 and 4 of Becker, the rendered splats form cloud-like objects in regions where the data point fall.

In contrast, as seen, for example, in Figs. 7-12 and 15 of the present application, the texture generated by the method of the present invention is applied throughout a predefined region. The predefined region may be a background area, or a region enclosed within a closed curve defined by a boundary (page 7, lines 15-16). The shape elements of the present invention are positioned either randomly or through known point distribution methods such as wave-propagation from boundary points (page 7, lines 19-21). In contrast to Becker, overlapping opacities do not combine to provide the user with information about density, but interfere to create random colours. The placement is determined geometrically to uniformly fill the area and, unlike Becker, is not determined from a set of data points. The method of achieving a substantially uniform opacity is described on page 5, lines 5-21 with reference to Fig. 4. For at least those reasons, Claim 1 is considered patentable over Becker.

Claims 24, 29 and 30 recite features similar to those recited in Claim 1, and are thought to be patentable for the same reasons.

With regard to the amendments to Claims 1, 24, 29 and 30, support for the claimed feature of the overlapping shape elements filling a predetermined region may be

found, for example in Figs. 7-12 and Fig. 15 and also on page 7, lines 15-21 and page 4, lines 4-7 of the specification, as originally filed.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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